

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Year 2000 Biennial Review)	
-Amendment of Part 22 of the)	WT Docket No. 01-108
Commission's Rule to Modify or)	
Eliminate Outdated Rules Affecting)	
the Cellular Radiotelephone Service)	
and Other Commercial Mobile Radio Services)	

**Comments of Self Help for Hard of Hearing People (SHHH) in
Response to AT&T Wireless Services, Inc. Petition for Reconsideration**

AT&T Wireless Services, Inc. (AWS) requests that the Commission reduce the sunset period for the cellular analog requirement from five years to no more than 30 months. They argue that because the Commission itself has determined that there is actual, current, and meaningful economic competition in the wireless sector that there is simply no basis under section 11 of the Act for retaining the analog rule for five more years. AWS further objects that while the Commission has made clear that the original concerns that prompted its adoption of the analog requirement no longer exist, it has decided to retain the rule for five years premised on new objectives, namely to protect consumers with hearing disabilities and emergency-only callers.

Self Help for Hard of Hearing People, SHHH, is surprised at AWS's lack of concern for the millions of hard of hearing Americans who currently find most digital wireless phones inaccessible. The Commission did well to consider the impact on people with hearing disabilities. Although the first digital wireless licenses were issued over 6

years ago, there is still no consistent accessibility to digital wireless telephones for hard of hearing consumers. Many hard of hearing people have told us that they have not been able to find a digital wireless phone that they can use even though they can use landline phones. Equally problematic is that more and more pay phones are being removed from service every day because so many people are using wireless phones that pay phones are no longer cost effective. This means that many people with hearing loss will not have access to phones during emergencies, which is contrary to the public interest. Given the serious limitations in digital wireless phones for hard of hearing consumers, analog services must continue to be offered, until a satisfactory alternative is in place. We do not believe that AWS's recommended, "no later than 30 months", is a realistic timeframe.

SHHH supports lifting restrictions related to analog wireless services in order to allow full exploitation of digital wireless services and full choice for hard of hearing people. Hard of hearing consumers themselves are not happy to be relegated to an analog "ghetto". They are no different from the general population in recognizing the benefits of digital service. They want the full panoply of services that digital offers. Analog is increasingly hard to find, expensive, and lacks the functionality of digital service. Efforts to date by manufacturers have failed to produce digital equipment and services that are fully accessible and therefore consumers with hearing loss must continue to use the best means available to obtain access to the 21st century phone system, however limited those current services may be.

Analog service should not be phased out prematurely before full access to digital wireless service is a reality for people with hearing loss. We therefore continue to support

the FCC's timetable for the sunset of analog service over five years with a review after three years to evaluate progress. Given the recent history in getting industry to come up with solutions to the inaccessibility of digital wireless telephones we do not believe that AWS's request for "no more than thirty months" is realistic.

AWS argues that retention of the analog rule is not necessary to address concerns about callers who are hard of hearing because there is a law, Section 255 of the Telecommunications Act, that expressly requires cellular carriers to ensure that equipment and services are accessible to people with disabilities. If wireless service providers had abided by and would continue to abide by this statutory obligation, then analog service could have already been phased out by now. But the fact is that many providers used analog to circumvent the law, pointing to their analog services as being the service of choice for their customers with hearing loss because it is accessible. Consequently we have been advised to rely on a service that now providers are in a rush to eliminate. Industry has wasted much valuable time promoting analog use by customers who are hard of hearing, when more focus could have been placed on finding solutions to accessibility to digital service. We are forced to rely on what is described by AWS itself, as a "dinosaur technology" that is on the way out, while digital service remains inaccessible.

Section 255 has not yet been fully effective and thus has been a disappointment to many people with disabilities. A combination of industry not taking its obligations seriously, and the Commission failing to enforce the mandate, coupled with a weak "readily achievable" standard, has led to many dissatisfied and frustrated customers from

a range of disability groups. The first formal complaint under Section 255 has recently been filed by a blind individual and it could be the first of more to come. Therefore we must emphasize that AWS's argument that Section 255 takes care of and addresses the concerns of hard of hearing callers and their access to wireless digital service is actually not based on any evidence to date.

AWS wants a much quicker phase out of analog up to no more than 30 months. SHHH wants solutions to accessibility for people with hearing loss as quickly as possible with analog phase-out as a result. We are willing to work with industry to help that process along so that it is completed well within the Commission-allotted 5 years. The sooner accessible wireless telephones are made available, the sooner analog can be phased out. We would hate to see the process drag on for longer than the five years and get into the need for time extensions, that would not be in anyone's best interest. Analog should go and industry, consumers, and the Commission need to work together to make sure it can be eliminated and replaced by accessible digital service according to the Commission's current timetable.

SHHH is a national consumer organization representing people with hearing loss who prefer to use their residual hearing or cochlear implants when using the telephone. Based in Bethesda, Maryland, SHHH has 13 state organizations and 250 chapters nationwide.

Respectfully submitted,

A handwritten signature in dark ink, reading "Brenda Battat". The signature is fluid and cursive, with the first name "Brenda" and last name "Battat" clearly distinguishable.

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